

reports of hundreds of individuals who no longer worked at the White House, was unusual.

**c. Evidence Relating to Lack of Intent to Conceal Contemporaneously His Requests For Background Reports.**

Other evidence shows that Mr. Marceca did not try to conceal his requests for background reports, which is reflected in the memoranda he sent, under the signature of Mr. Livingstone, to supervisors in employing agencies and offices. If Mr. Marceca had been trying to conceal his efforts to obtain information on employees who he knew no longer worked at the White House, he presumably would not have communicated with supervisory personnel in other offices regarding the need for new background reports for people who no longer worked there; he would simply have taken the derogatory information and used it for whatever improper purpose he had planned. The memoranda show that he believed, albeit mistakenly and without proper regard for the privacy interests at stake as the result of his carelessness, that these individuals still worked at the White House and still required access.

Mr. Marceca's preparation and retention of lists reflecting the background reports that he received each day between September 20, 1993 and February 10, 1994 also show that he did not seek to conceal his requests. In the absence of other evidence of improper motive, the OIC concluded that, if Mr. Marceca had thought that there was something unlawful about his